

West Virginia Developmental Disabilities Council
Quarterly Meeting
Ramada Plaza Hotel, South Charleston, WV
October 20, 2009
Minutes

Members Present: Bob Cain, Joyce Church, Richard Covert, Jeannie Elkins, Virginia Gattlieb, Sandy Haberbosch, Amber Hinkle, Janice Holland, Betty Holliday, Ann Hubbs, Clint Martin, Pat Moss, Clark Queen, Jerry Ramsey, Karen Robinson, Karen Ruddell, John David Smith, LuAnn Summers, and Donald Thraillkill.

Members Absent: Christy Black, Ron Dean, Clarice Hausch, Stephanie Jackson, Carlos Lucero, M.D., Jane McCallister, Julie McClanahan, Marsha Morris, Libby Nester, Richard Perry, Tina Tanner, and Pat Winston.

Guests: Sandra McQuain, Department of Education; Jon Sassi, DD Division/BHMF; Jeff McCroskey, Community Access, Inc.; Linnie Simiryan, WV Advocates; and Cathie Zuspan, Bureau of Senior Services.

Staff Present: Steve Wiseman, Jim Cremeans, Linda Higgs (morning only), Tiffany Wiseman, and Diana Ranson (morning and lunch only).

Welcome, Introductions, and Announcements

Jeannie called the meeting to order and announced Council Member, Stephanie Jackson, gave birth to a little girl on October 12, 2009. She also announced the opening of the Real Opportunities Make People Productive (ROMPP) art exhibit on October 28, 2009. The exhibit which is sponsored by the WVU UCED, will run from October 23 – November 22, 2009 at the WV Culture and History Center. Jeannie also reported two articles have been written about Council Members. Clark Queen was interviewed by the Parkersburg News and Sentinel. Clark stated he shared information about the Council and encouraged Members to read it. Another article was in the Wetzel Chronicle about Jeannie Elkins and Bob Cain.

Mission Statement Reminder

Ann Hubbs read the Council's Mission Statement.

Public Comments

None.

Approval of July 22, 2009 Meeting Minutes

Jeannie asked Members to review the April 2009 Council Meeting Minutes to determine if any corrections need to be made.

Pat Moss moved the Minutes be approved as presented. Don seconded. Motion carried.

Update on Council Staff Activities

Jim has begun working on the Federal Program Performance Report (PPR) concerning the Council's success in meeting its goals for Fiscal Year 2009 period that ended September. He continues to attend various trainings supported by the Council and represent the Council on designated workgroups.

Linda reported she has worked on planning and coordinating two trainings on Wills & Special Needs Trusts, a PASSING Workshop, and two 1 day SRV trainings. She completed the final quarter grant reviews and conducted two new Member orientations. She continues to represent the Council on the MR/DD Waiver Workgroup.

Tiffany has been working to update the Council web site, publications, and library. She has also been coordinating the *Partners in Policymaking* program. Jeannie reported attending the first PIP class and commended Tiffany Wiseman's outstanding work on this PIP class.

Steve has led the training team at the recent PASSING workshop; managing the FY 2010 Grant Agreement process; and made several presentations, including one at the Health Committee at the Legislature.

New Business

Meeting Dates and Locations for 2010

Jeannie announced the dates selected for the 2010 Council Meetings: **January 26, Charleston; April 27, Beckley or Morgantown; July 13, Charleston; October 26, Morgantown or Beckley.** The locations for the April and October meetings are dependent upon availability. Jeannie explained the meetings are typically scheduled for the fourth Tuesday of the designated months. However, the Disability Caucus is scheduled during the fourth Tuesday of July 2010.

Steve reviewed the Executive Committee Notes with the Council. He reported funding requests were received from the Brain Injury Association of WV and the Statewide Independent Living Center for the 2010 Disability Caucus. The Executive Committee approved funding of \$1,500 for the Brain Injury Association

of WV to offset conference costs. The Committee also approved \$2,000 in stipend funding for the 2010 Disability Caucus.

Steve also reviewed the FY 2010 trainings and workshops that will be provided by the Council as well as trainings sponsored through Designated Stipends and supported through grant funding. Linda also shared some information about the Wills and Trusts training and briefly described differences between Guardianship and Power of Attorney. Don recommended a legal service he currently uses that helped him and his wife set up their wills. Users pay a monthly fee for legal services rather than an hourly fee per service.

Legislative Priorities for 2010 Session

Steve reviewed a document titled WV DD Council 2010 Legislative Statements. These were based on the Council's 2009 Legislative Priorities. He also explained the document focuses on the mission and vision of the Council and its view on key issues affecting people with developmental disabilities and families. It also relates to the areas of emphasis in the Council's State Plan.

Steve thanked Don for his suggested edits to the Legislative Priorities document. Ann suggested the document contain wording that children with sensory disorders receive specialized education, services, and supports specific to their disability. Ginny recommended the document contain language from IDEA specific to low incidence disabilities. Steve recommended language pertaining to people with developmental disabilities will receive opportunities and the means and supports to fully benefit from them be added.

The plan is for the Executive Committee to meet to create another draft. That will be sent to all Members for further comments. The Executive Committee will then approve a final version prior to the beginning of the Legislature's regular session in January. That document will be distributed widely.

Don moved to approve the 2010 Legislative Priorities, or Statements, and the plan to make modifications as described. Ann seconded. LuAnn and Karen Ruddle abstained. Motion carried.

Proposed Changes to *Policy on Membership*

Jeannie reviewed the proposed Policy on Membership changes. The changes would add statements that: Members who want to attend a Council supported training event would not apply for Designated Stipends, but would have their expenses covered directly by the Council. (Members would need to contact Diana Ranson, Administrative Assistant in advance.); Members would be eligible for a stipend when they participate in all day committee or workgroup meetings (e.g.

Grant Review Workgroup); and Members would have their expenses covered at the same rates applicable to State employees when approved to travel to out-of-state events. **Joyce made a motion to approve proposed changes. Karen Robinson seconded. Motion carried.**

Other Business

Members' Comments

Ann requested the Direct Support Worker (DSW) Survey Results be posted on the WVDDC web site as many people are not aware of the study.

Ann also brought a concern to the Council about the lack of preventative dental care for adults using Medicaid. Pat Moss expressed a need to push for preventative, treatment, and restorative dental coverage for all using Medicaid. Steve pointed out that this was in the Council's priorities and that the Council will continue to advocate for this.

Informational Update

Proposed changes to the Nurse Practice Act (NPA) and Administration of Medication by Authorized Personnel (AMAP) procedures

Steve shared a presentation he made to the Legislature's Select Committee on Health about recommended changes to the *Nurse Practice Act (NPA)* and *Administration of Medication by Authorized Personnel (AMAP)* law and procedures. Those proposed changes as well as changes to the practices of the State health facilities licensing office needed to occur to help people with disabilities lead more typical lives. The recommendations were generated by representatives of the Statewide Independent Living Council, Fair Shake Network, Olmstead Council, and the Developmental Disabilities Council. These representatives will continue to advocate for needed modifications of State Code language and the practices currently used.

Proposed revisions to Policy 2419: Regulations for the Education of Students with Exceptionalities

Sandra McQuain, Ed.D., Assistant Director, Office of Special Programs of the WV Department of Education (DOE) shared a brief overview of the WV DOE Special Education Office. She also presented information about the proposed changes to "Policy 2419." She informed Members the public comment period began October 13 and will end November 12, 2009. Comments can be submitted through the comment form on the DOE web site (wvde.state.wv.us/policies), mail, fax, phone, and public hearings. The following major areas of revision were discussed:

- Parent Right to Revoke Consent for Special Education Services

- Student Assistance Teams
- Prior Written Notice
- Eligibility Criteria – Gifted and Mental Impairment
- Dates For Response to Intervention Implementation
- IEP Considerations
- Least Restrictive Environment
- Due Process Hearings and Mediation

Members made several follow-up comments and posed questions about the IEP and special education processes.

Jeannie asked that the Council be put on the list to receive notification of proposed Policy changes. Sandra explained the Council should be, and she will make sure it is.

Presentation: MR/DD Waiver Renewal Application including the Self-Directed Option

Jon Sassi, Coordinator of the MR/DD Waiver program, gave an overview of the changes to be made to the MR/DD Waiver. He explained individuals will be able to receive the same services they currently use, but the services may have different titles or be grouped into a ‘blanket’ service title. For example, it has been proposed that all habilitation services be billed through one habilitation code. He said it is hoped the new changes will streamline the process for both families and agencies. The mechanism for parents to provide habilitation programming for their children under the MR/DD Waiver program may also change. Parents will continue to be able to provide programming, but it will be included in another area, that will be called, “Personal Assistance.”

Jon reported the possibility of three options for service under the new Waiver: Traditional Services, “Agency of Choice”, and “Self-Directed.” The traditional option is the current system for receiving MR/DD Waiver services through provider agencies. Under the “Agency of Choice” option, people using MR/DD Waiver services can receive formalized services (e.g. Service Coordinator, Therapeutic Consultant), but have more choice and control over the direct services and supports they receive. Through the “Self-Directed” option, people would direct the services and supports they receive from both direct support and professional staff. Jon reported it may also become possible for people to receive support services from staff when outside of the State. However, they will not be reimbursed for mileage. If the option is approved, there may be limited enrollment for the first six months and a required 18-24 month transition plan before one can fully participate in the “Self-Directed” option.

The renewal application is expected to be submitted to the Centers for Medicare and Medicaid Services in January. The start of the renewed MR/DD Waiver would be July 1, 2009.

Grant Presentation: Modified Career & Technical Education Curriculum

Jeff McCroskey, Executive Director, Community Access, Inc. shared a brief history of Community Access, Inc. and early projects with the DD Council. Jeff stated he learned about a modified curriculum titled “Modified Occupation Completion Points” in Florida. Students participating in the program attend vocational school and are tested on the competencies which they have mastered. They are then able to obtain a job using the skills they learned.

Jeff is using this idea as a starting point to develop a “Modified Career & Technical Education”. His company, Vocational Services, Inc., is currently working with the WV DOE and two career technical schools in Kanawha County to make this program successful.

Karen Ruddle, Coordinator, Office of Special Programs of the WV DOE, stated they are working toward an “Individualized Occupational Certificate” in which students can receive a certificate for mastered skills. Currently students would have to attend school longer to master all competencies. Students can continue their education after they have received an “Individualized Occupational Certificate” to obtain full certification in the occupational area. This allows students to obtain employment earlier.

Feedback Forms

Jeannie requested all present to complete and turn in the Meeting Feedback Forms.

Adjournment: By acclamation.

Next Meeting: January 26, 2010, Charleston, WV.